

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RYAN BRADLEY SHIELD,
Petitioner,

VS.

NATHANIEL QUARTERMAN, Director,
T.D.C.J., Correctional
Institutions DIV.,
Respondent.

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§ CIVIL ACTION NO. 4:08-CV-640-Y
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ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Ryan Bradley Shield under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on March 25, 2009; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 16, 2009.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, that the respondent's motion to dismiss must be granted, and that the petition for writ of habeas corpus should be dismissed with prejudice as time-barred under 28 U.S.C. § 2244, for the reasons stated in the magistrate judge's findings and conclusions.¹

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Quarterman's motion to dismiss [docket no. 7] is GRANTED.

¹Shield argues in his objections that the Court delayed in the resolution of his prior petition under 28 U.S.C. § 2254, and that therefore he should be afforded equitable tolling for the time it was pending, and or the prior action should have been abated. In addition to the reasons these arguments are rejected as already noted in the magistrate judge's report, the Court notes that the prior case was resolved expeditiously, and Shield did not raise any objections or move to hold that case in abeyance, while it was before the Court. The court takes judicial notice of its own records in *Shield v. Quarterman*, No.4:07-CV-393-Y.

Petitioner Ryan Bradley Shield's petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

SIGNED April 20, 2009.

Terry R. Means
TERRY R. MEANS
UNITED STATES DISTRICT JUDGE